

January 16, 1976

CLERK: LB 382 is introduced by Senator Duis and Kremer relating to sales and income tax and what constitutes income for the purposes of computing a franchise or income tax levied in corporations. There were no Committee amendments. Senator Duis offered an amendment to the bill which is pending and Senator Burbach offers an amendment which is found on page 196 of the Journal which is pending to the Duis amendment.

PRESIDENT: Senator Burbach. The Chair recognizes Senator Burbach.

SENATOR BURBACH: Mr. President, could I ask a question of the Chair? Where are we? Are there others who have lights that wish to speak yet? Or am I in position of closing on my amendment?

PRESIDENT: As a matter of fact, Senator Schmit's light was on when we adjourned yesterday and there were other lights that wanted to speak for the second time. Excuse me, maybe I could get the attention of the body and I will inquire about that matter. Could I have your attention please? As we adjourned, we were in the midst of the debate on Senator Burbach's amendment to Senator Duis bill. Many Senators had spoken and some others wanted to speak and some wanted to speak for the second time. Would you kindly, now, indicate by your lights those of you who still want to speak to Senator Burbach's amendment. Senator Schmit's light was the only one that was on yesterday and he is next in line. Senator Burbach, you will still have the opportunity to close. We will proceed then with the rest of the lights that are on. So this is a continuation of yesterday's debate on the Burbach amendment. The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, would Senator Burbach yield to some questions, please? Senator Burbach, when is the effective date, when is the first year that the co-op patrons will be receiving their saving under the provisions of this bill as amended by you?

SENATOR BURBACH: The very next time the assessment date is there. Today our assessments are according to the calendar year now and we are subject to assess ourselves in whatever way we are, whether it is real or personal property. Real...whether it is personal property or whether it is income tax, we must make out our form so it would take effect the first of next January.

SENATOR SCHMIT: It would be that you would wait one year, is that right?

SENATOR BURBACH: It would be delayed one year. However, you are talking about the current year back now, so it would be an assessment against the income of 1976 but it would be made formal in their presentation when they file their declaration on their income tax, whether it is a corporation or whether it is an individual, and then it would be next year but it would be for this year. There would be no place for double taxation. It would merely say that the break-off time when this law becomes effective for that ensuing year.